IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

PETITION NO. 575 OF 2002

Mohan Matadin Rohidas ... Deceased

Smt. Mohini Mohan Rohidas ... Petitioner.

Mr. N.D.Yelkar for the Petitioner.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. The Petitioner has filed this petition seeking declaration that her husband be presumed to be dead under Section 108 of the Indian Evidence Act and for issuance of Succession Certificate in respect of the Service Dues of her husband.

2. The other heirs, namely, four sons have filed affidavit consenting for granting Succession Certificate in favour of the Petitioner.

3. The Petitioner has produced on record, the Certificate issued by the Senior Inspector of Police, Andheri Police Station, Mumbai, dated 15th July, 2002,

whereby it is certified that the complaint was lodged in the year 1991 regarding missing of Mohan Matadin Rohidas. The Complaint was filed by his son Raju. The Certificate further indicates that the said missing person could not be traced. All the four sons mentioned in the affidavit that their father is missing since 1991 and not known since then and also consented for granting Succession Certificate in favour of the Petitioner.

4. Under the circumstances, the petition is allowed.

. It is declared that Mohan Matadin Rohidas residing at Room No. 5, Attarwala Chawl, Old Nagardas Road, Mogra Pada, Andheri (E), Mumbai 400 069 is missing since 1991 and he has not been known for more than 7 years and, therefore, he is presumed to be dead.

. Issue Succession Certificate in favour of the Petitioner as prayed.

. The Petition stands disposed of accordingly.

. Certified Copy expedited.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

MISC. PETITION NO. 20 OF 2004

Vasundhara widow of Vasant Neroy ...Deceased

Smt. Meena Padmakar Rele and Anr. ...Petitioners.

Mr. D'Silva for Petitioners.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. Heard.

2. This petition is filed by two daughters of deceased Vasundhara widow of Vasant Neroy in respect of MHADA premises. MHADA Premises were originally granted in favour of the deceased, after her death, her son Sainand Vasantrao Neroy's name was recorded. Son Sainand and his wife Smita expired in an accident. The Petitioners are the daughters of the original holder Vasundhara. Sainand and his wife Smita died issueless. As such there are no other heirs either of Sainand or Vasundhara and the Petitioners, who are the daughters of the deceased were the only legal heirs.

3. Under the circumstances, the petition is made absolute in terms of prayer clause (a) and disposed of

accordingly.

[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

[TESTAMANETARY PETITION NO. 852 OF 1997]

SUIT NO. 67 OF 1998

Miss. Pushpa Lilaram Gidwani ... Deceased.

Mrs. Meena Mohanlal Hingorani ... Caveatrix

Vs.

Mrs. Jyotica Thakur Chellani ... Defendant

... Petitioner in

... Petn No.852/97

Mr. J.G.Tahiliani for the Caveatrix/Defendant.

Mr. L.G. Waingankar for the Plaintiff.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. All the parties i.e. the Petitioner, Caveatrix alongwith their advocates and their brother Ramesh are present. The parties have filed consent terms. Taken on record and marked 'X' for identification.

2. By these consent terms, he caveatrix withdraws the caveat and has no objection for grant of the Probate in favour of the Petitioner.

3. The undertakings given in paragraph Nos. 1, 4 8 and 10 are accepted.

4. The Suit is converted into petition and the petition is allowed.

5. Probate be issued in favour of the Petitioner.

6. Certified copy expedited.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

PETITION NO. 781 OF 2002.

Miss Eula D'Cunha ... Deceased

Mr. David D'Cunha & Ors ... Petitioner.

Mr. B.G.Saraf for the Petitioner.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. This Petition is filed by three executors, mentioned in the Will, for grant of Probate in their favour. The Will indicates that there were three more persons named as Executors and they are Allen D'Cunha, Mr. Pat Vaz and Captain Vernon Nazareth. These three executors were served but are absent. Affidavit of service is produced on record.

2. Under the circumstances, the petition is allowed.

The Probate be issued in favour of the three petitioners.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

NOTICE OF MOTION NO. 575 OF 2004

IN

MISC. PETITIONNO. 1 OF 2004

IN

PETITION LNO. 223 OF 2003

ALONGWITH

CHAMBER SUMMONS NO. 990 OF 2004

Kedu Vishnu Kedare ... Deceased

Shalini Kedu Kedare ... Petitioner.

Vs.

Manda Kedu Kedare ... Respondent.

Mr. A.B.Shrikahande for the Petitioner/Plaintiff.

Ms. Aparna Shinde for the defendant/Respondent.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. The notice of motion is disposed of by following Order.

2. The Employers Mazgaon Dock Limited shall deposit

in this Court all the dues payable to deceased Kedu Vishnu Kedare within four weeks from today.

3. Chamber Summons No. 990 of 2004 is adjourned for two weeks.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

NOTICE OF MOTION NO. 2202 OF 2004

Harshadrai Jethalal Shah & Anr. ...Plaintiffs.

Vs.

Raja Rajendra Sinh & Anr. ...Defendants.

And.

Bhavesh Nareshchandra Amin& Ors. ...Respondents.

And.

Manish K. Patel & Anr. ...Applicants.

Mr. Virag Tulzapurkar i/b. P.C.Mankad for the Applicant.
Mr. M.H.I. Patel representative of Court Receiver is present.
Mr. Anil Bookwala alongwith Madhvi Diwan for Defendant No.2 i/b. Manisha Kapadia
Mr. Nitin Thakkar alongwith Gaurav Joshi for Respondents i/b. Mulla & Mulla
Mr. T.N.Subramaniaum with Prakash Shah alongwith Bhupali Desai i/b. Shah & Aanghvi for Plaintiffs.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. The learned Counsel for the Defendant No.1 submits that the defendant NO.1 has expired. The learned Counsel for the applicant seeks time for

bringing the legal representatives of the deceased defendant No.1 on record.

2. S.O. for one week. Status quo Order to continue till then.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

CHAMBER SUMMONS NO. 889 OF 2004.

IN

CAVEAT NO. OF 2004

IN

TESTAMENTARY SUIT NO. 9 OF 2004

IN

PETITION NO. 841 OF 2001

Homi Phiroze Adajania ... Deceased

Jimmy D. Mobedji & Anr. ... Petitioners.

And.

Mrs. Shahida Khan

nee Jeroo Khurshedji Cassinath & Ors... Caveators.

None for the Plaintiffs.

Ms. Panchamatia i/b. Gagrat & Cio. for Defendant Nos. 1 & 2

Mr. Jimy Mehta i/b. H.G.Shambhalani for Defendant No.3.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. This Chamber Summons is taken out by the Caveator seeking condonation of the delay of 20 days in filing the affidavit in support of the Caveat. The notice of motion was served on the petitioner, however, neither the Petitioner nor her advocate are present.

2. Chamber Summons is, therefore, made absolute. The delay of 20 days in filing the affidavit in support of the Caveat is condoned for the reasons mentioned in the affidavit in support. The Affidavit in support be taken on record.

3. Chamber Summons stands disposed of accordingly.

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[S.K.Shah, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

TESTAMENTARY SUIT NO. 25 OF 1996

Kapildeo Ramujegar Gupta ... Plaintiff.
(Orig. Petitioner.)

Vs.

Ramchandran Sriram Gupta & Ors. Defendants.

Mr. V.S.Kapse for the Plaintiff.

Nitin Gungal i/b. A.J.

CORAM : S.K.Shah, J.
DATE : September 2, 2004.

P.C.:-

1. The learned Counsel for the defendant submits that the Counsel Mr. A.J. Bhutta is suffering from fever and, therefore, he is unable to attend the Court

today, to cross-examine the Plaintiff’s witness.

2. S.O. for one week.

3. The learned Counsel for the Plaintiff states that earlier he was granted two weeks time for depositing the entire royalty amount with the Court Receiver. However, he was unable to pay that amount in time and seeks one weeks’ more time for the same. One weeks’ time is granted for payment of entire amount of the royalty, during which time the Court Receiver shall not take possession. This Order is restricted to one week only. If the entire amount of royalty is not paid within one week, in that event, the Receiver shall take appropriate steps.

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[S.K.Shah, J.]